

The Austrian Ombudsman Board

- ... **is** an independent monitoring and control body. Its responsibilities are stipulated in the Austrian Constitution.
- ... **controls** the public administration and investigates complaints made by citizens.
- ... **protects** and **promotes** compliance with human rights. In this respect the AOB is advised by the Human Rights Advisory Council.
- ... **represents** - together with its Commissions - the “National Preventive Mechanism” (NPM) in accordance with the Convention against Torture and investigates whether human rights are preserved in facilities where people are deprived of their liberty.
- ... **controls** institutions and programmes for persons with disabilities.
- ... **monitors** and **investigates** the exercise of direct administrative power and coercive measures. This includes, for example, the monitoring of the competent agencies during (forced) returns, raids, demonstrations and major events.

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Legal notice:
Publisher, media owner: AOB Vienna, July 2021



VOLKSANWALTSCHAFT

Preventive Protection of Human Rights

The Austrian Ombudsman Board
and its Expert Commissions

Protection and promotion of human rights

The Austrian Ombudsman Board (AOB) visits and investigates public and private **institutions and facilities in which freedom is or can be restricted**, such as nursing homes, psychiatric institutions, penal institutions, police detention centres or army barracks. Institutions and programmes for persons with disabilities are also subject to investigation. Another responsibility is the monitoring of the exercise of direct administrative power and coercive measures.

This is a **preventive mechanism** to ensure that persons in such institutions and facilities are not in danger of inhumane treatment, violence, torture or other abuse or that their human rights are not violated by the exercise of direct administrative power and coercive measures.

Tasks of the AOB

- To **find cases of maladministration** and to make recommendations on how to remedy them;
- To **report** regularly to the national and regional Parliaments and the UN Subcommittee on Prevention of Torture about their findings;
- To make **recommendations to the legislator** on how to improve the situation;
- To work together with **science and educational institutions**;
- To **inform** the public about its activities.

The seven Commissions of the Austrian Ombudsman Board

The AOB appoints Commissions. These carry out visits regularly and monitor the exercise of direct administrative power and coercive measures.

In total, there are seven Commissions.

- a Federal Commission for the **enforcement of penalties and measures** and
- six **Regional Commissions**.

The Federal Commission monitors **penal and forensic institutions** nationwide.

The six Regional Commissions monitor **all other institutions**, such as nursing homes, psychiatric institutions, penal institutions, police detention centres or army barracks. The monitoring also comprises institutions and programmes for persons with disabilities. Furthermore the six Regional Commissions observe the exercise of direct administrative power and **coercive measures**.

All Commissions are comprised of **independent experts** from different disciplines. Each Commission is headed by a renowned expert in the human rights field.

The rights of the Commissions of the Austrian Ombudsman Board

The legislator invested the Commissions with extensive rights to ensure that they can accomplish their tasks without hindrance:

- The Commissions have **unrestricted access** to all areas of the institution or facility to be investigated at their discretion.
- They can **access** and **inspect** the institution's or facility's documents and records.
- They must have the opportunity to conduct **confidential talks** with detained persons and/or with persons with disabilities, as well as other respondents.
- They must be provided with **information** about detained persons as well as their living conditions in detention situations. The same applies to persons with disabilities in institutions, facilities and programmes specifically established for them. These institutions have to ensure protection from exploitation, violence and abuse.
- Visits and investigations **need not be announced** in advance.
- When performing these tasks, the Commissions will treat all personal information as strictly **confidential**.